

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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LIONEL FRANKLIN,

**COMPLAINT**

Plaintiff,

v.

Civil Action No.

CREDITORS' ALLIANCE, INC.,

**JURY TRIAL DEMANDED**

Defendant.

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**COMPLAINT**

**I. INTRODUCTION**

1. This action is brought by Plaintiff Lionel Franklin for actual and statutory damages against Defendants Creditors' Alliance, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (hereinafter referred to as "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. Venue is proper in this district as all relevant events took place here.

**III. PARTIES**

3. Plaintiff Lionel Franklin is an individual who resides in Calumet City, Illinois.

4. Mr. Franklin is a consumer as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant Creditors' Alliance, Inc. ("CAI") is a corporation organized under the laws of the State of Illinois located in Bloomington, Illinois.

6. CAI is licensed by the State of Illinois as a Collection Agency, License Number 017001258.

7. CAI is engaged in the collection of debts from Illinois consumers using the mail and telephone.

8. CAI regularly attempts to collect consumer debts alleged to be due to another.

9. CAI was and is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

#### **IV. FACTUAL ALLEGATIONS**

10. On May 31, 2009, Mr. Franklin filed a Chapter 7 bankruptcy petition in a matter styled In re: Franklin, N.D.Ill.Bankr. No. 09 B19880.

11. Among the debts listed on Schedule F of Mr. Franklin's bankruptcy petition was the debt he allegedly owed to Dr. Eugene Decker, which was being collected by CAI (hereinafter referred to as "the Debt."). See excerpt of bankruptcy petition, attached hereto as Exhibit A.

12. Mr. Franklin's bankruptcy petition contained contact information for his attorney. See excerpt of bankruptcy petition, attached hereto as Exhibit B.

13. On June 3, 2009, CAI was sent notice of the bankruptcy by the Court. See Certificate of Service to the Notice of Bankruptcy, attached hereto as Exhibit C.

14. On or about August 26, 2009, CAI called Mr. Franklin in an attempt to collect the Debt.

15. On or about September 1, 2009, CAI called Mr. Franklin in an attempt to collect the Debt.

16. On September 23, 2009, CAI was sent notice of the discharge of the debt Mr.

Franklin allegedly owed to Dr. Decker. See Discharge of Debtor, attached hereto as Exhibit D.

17. On or about October 22, 2009, CAI called Mr. Franklin in an attempt to collect the Debt.

18. CAI placed several calls to Mr. Franklin and would hang up when Mr. Franklin answered each call.

19. On or about October 22, 2009, Mr. Franklin called CAI and was transferred to a CAI employee named “Joe” or “Joel” Steele (hereinafter referred to as “Mr. Steele”).

20. Mr. Steele referred to the Debt.

21. Mr. Steele said he would take the Debt off Mr. Franklin’s credit if he paid by the end of the month.

22. Mr. Franklin said that he did not know the Debt was on his credit.

23. Mr. Steele said that CAI is a collection agency and that is what they do, i.e., report to credit bureaus.

24. Mr. Franklin asked if CAI was still reporting the Debt on his credit.

25. Mr. Steele said that CAI was still reporting the Debt on his credit but would take it off if Mr. Franklin paid by the end of the month.

26. Mr. Franklin expressed his confusion and told Mr. Steele he would call back.

27. On or about October 27, 2009, Mr. Steele called Mr. Franklin regarding the Debt.

28. On or about October 29, 2009, Mr. Franklin called Mr. Steele and reminded him of his bankruptcy filing regarding the Debt.

29. Mr. Steele said that he had to verify that information and, upon his verification, then Mr. Franklin would not owe the Debt.

30. As a result of Defendant's conduct, Mr. Franklin suffered emotional distress and anxiety.

**V. COUNT ONE – FAIR DEBT COLLECTION PRACTICES ACT**

31. Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

32. Defendant's violations of the FDCPA include, but are not limited to:

- A. communicating with a consumer after the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address in violation of 15 U.S.C. § 1692c(a)(2);
- B. engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt in violation of 15 U.S.C. § 1692d;
- C. using any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. §§ 1692e and e(10);
- D. creating a false sense of urgency in violation of 15 U.S.C. § 1692e;
- E. falsely representing the character, amount, or legal status of any debt in violation of 15 U.S.C. § 1692e(2)(A); and
- F. using unfair or unconscionable means to collect or attempt to collect any debt in violation of 15 U.S.C. § 1692f.

33. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to an award of actual damages, statutory damages, costs and reasonable attorney fees.

**VI. REQUEST FOR RELIEF**

WHEREFORE, Plaintiff Lionel Franklin requests that judgment be entered in his favor against Defendant Creditors' Alliance, Inc. for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- B. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
- C. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3);  
and
- D. For such other relief as the Court may find to be just and proper.

**VII. JURY DEMAND**

Plaintiff Lionel Franklin hereby demands that this case be tried before a Jury.

s/ Craig M. Shapiro  
Craig M. Shapiro  
O. Randolph Bragg  
HORWITZ, HORWITZ & ASSOCIATES, LTD..  
25 East Washington Street Suite 900  
Chicago, Illinois 60602  
(312) 372-8822  
(312) 372-1673 (Facsimile)

ATTORNEYS FOR PLAINTIFF LIONEL FRANKLIN

# **EXHIBIT A**

B6F (Official Form 6F) (12/07)

In re **Lionel J. Franklin**, Debtor  
Case No. \_\_\_\_\_

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D W I F E J O I N T C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. xxxxxxxx0567  Cit Bank/Dfs One Dell Way Round Rock, TX 78682		-	Opened 1/12/03 Last Active 1/02/07 ChargeAccount				3,182.00
Account No. xx8825  Crdtrs Allnc Po Box 1288 Bloomington, IL 61702		-	Opened 7/03/07 Collection Med1 02 Dr Eugene De				167.00
Account No. xxxxxxxx7067  Discover Fin Pob 15316 Wilmington, DE 19850		-	Opened 2/23/01 Last Active 8/19/07 CreditCard				7,637.00
Account No. xx2783  Hsbc/Carsn Pob 15521 Wilmington, DE 19805		-	Opened 4/28/05 Last Active 7/17/07 ChargeAccount				554.00
Subtotal (Total of this page)							11,540.00

2 continuation sheets attached

## **EXHIBIT B**



B1 (Official Form 1)(1/08)

Page 3

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

**Franklin, Lionel J.****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X /s/ Lionel J. Franklin**Signature of Debtor **Lionel J. Franklin****X**

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

**May 30, 2009**

Date

**Signature of Attorney\*****X /s/ Joseph P. Doyle**

Signature of Attorney for Debtor(s)

**Joseph P. Doyle 6277393**

Printed Name of Attorney for Debtor(s)

**Law Office of Joseph P. Doyle**

Firm Name

**105 S. Roselle Road, Suite 203  
Schaumburg, IL 60193**

Address

**Email: joe@fightbills.com****847-985-1100 Fax: 847-985-1126**

Telephone Number

**May 30, 2009**

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X**

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X**

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

**X**

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.*

## **EXHIBIT C**

**UNITED STATES BANKRUPTCY COURT**  
Northern District of Illinois

**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on May 31, 2009.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations.**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Lionel J. Franklin  
526 Paxton Avenue  
Calumet City, IL 60409

Case Number: 09-19880  
Office Code: 1

Social Security / Individual Taxpayer ID / Employer Tax ID / Other  
nos:  
xxx-xx-5980

Attorney for Debtor(s) (name and address):

Joseph P Doyle  
Law Office of Joseph P Doyle  
105 S Roselle Road  
Suite 203  
Schaumburg, IL 60193  
Telephone number: 847-985-1100

Bankruptcy Trustee (name and address):

Richard M Fogel  
Shaw Gussis Fishman Glantz Wolfson  
321 N Clark Street Suite 800  
Chicago, IL 60654  
Telephone number: 312-276-1334

**Meeting of Creditors:**

Date: **July 20, 2009**

Time: **02:00 PM**

Location: **219 South Dearborn, Room 800, Chicago, IL 60604**

**All debtors are required to attend and bring a picture ID and proof of their Social Security Number to the 341 meeting.**

**Presumption of Abuse under 11 U.S.C. § 707(b)**

*See "Presumption of Abuse" on reverse side.*

**The presumption of abuse does not arise.**

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: September 18, 2009**

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

Eastern Division  
219 S Dearborn  
7th Floor  
Chicago, IL 60604  
Telephone number: 1-888-232-6814

**For the Court:**

Clerk of the Bankruptcy Court:  
Kenneth S. Gardner

Hours Open: Monday – Friday 9:00 AM – 4:30 PM

Date: June 1, 2009

**EXPLANATIONS****B9A (Official Form 9A) (12/07)**

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
<b>Legal Advice</b>	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) <i>or</i> that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	

# CERTIFICATE OF NOTICE

District/off: 0752-1  
Case: 09-19880

User: dsirmons  
Form ID: b9a

Page 1 of 1  
Total Served: 20

Date Rcvd: Jun 01, 2009

The following entities were served by first class mail on Jun 03, 2009.

db +Lionel J. Franklin, 526 Paxton Avenue, Calumet City, IL 60409-3128  
aty +Joseph P Doyle, Law Office of Joseph P Doyle, 105 S Roselle Road, Suite 203,  
Schaumburg, IL 60193-1631  
tr +Richard M Fogel, Shaw Gussis Fishman Glantz Wolfson, 321 N Clark Street Suite 800,  
Chicago, IL 60654-4766  
13986923 +Amer Gen Fin, 3632 West 95th Str, Evergreen Park, IL 60805-2106  
13986924 +Cit Bank/Dfs, One Dell Way, Round Rock, TX 78682-7000  
13986925 +Crdtrs Allnc, Po Box 1288, Bloomington, IL 61702-1288  
13986927 +Harris N.A., 111 W Monroe, Chicago, IL 60603-4095  
13986929 Illinois Department of Revenue, P.O. Box 19026, Springfield, IL 62794-9026  
13986934 +Jvdb Asc, P O Box 5718, Elgin, IL 60121-5718  
13986935 +Law Offices of Ira T. Nevel, 175 N Franklin, Suite 201, Chicago, IL 60606-1847  
13986937 +Markoff & Kransy, 29 N. Wacker Drive, 5th Floor, Chicago, IL 60606-2851  
13986938 +Pencro Assoc, 95 James Way, Southampton, PA 18966-3837  
13986939 +Rmi/Mcsi, 3348 Ridge Rd, Lansing, IL 60438-3112  
13986940 +Stateman Harris Siegel, 200 W Madison, #3820, Chicago, IL 60606-3465  
13986941 +Thd/Cbsd, Po Box 6497, Sioux Falls, SD 57117-6497  
13986942 +Weltman, Weinberg & Reis, 10 S. LaSalle Street, Suite 900, Chicago, IL 60603-1016

The following entities were served by electronic transmission on Jun 01, 2009.

tr +EDI: BRMFOGEL.COM Jun 01 2009 20:53:00 Richard M Fogel, Shaw Gussis Fishman Glantz Wolfson,  
321 N Clark Street Suite 800, Chicago, IL 60654-4766  
13986926 EDI: DISCOVER.COM Jun 01 2009 20:53:00 Discover Fin, Pob 15316, Wilmington, DE 19850  
13986928 +EDI: HFC.COM Jun 01 2009 20:53:00 Hsbc/Carsn, Pob 15521, Wilmington, DE 19850-5521  
13986930 +EDI: IRS.COM Jun 01 2009 20:53:00 IRS, PO Box 21125, Philadelphia, PA 19114-0325  
13986936 +EDI: RESURGENT.COM Jun 01 2009 20:53:00 Lvnv Funding, P.O. B 10584,  
Greenville, SC 29603-0584

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

13986931\* +IRS, PO Box 21125, Philadelphia, PA 19114-0325  
13986932\* +IRS, PO Box 21125, Philadelphia, PA 19114-0325  
13986933\* +IRS, PO Box 21125, Philadelphia, PA 19114-0325

TOTALS: 0, \* 3

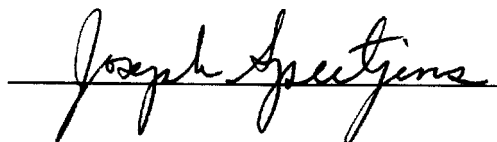
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 03, 2009

Signature:



## **EXHIBIT D**

## United States Bankruptcy Court

Northern District of Illinois

Case No. 09-19880

Chapter 7

In re: Debtor (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Lionel J. Franklin  
526 Paxton Avenue  
Calumet City, IL 60409

Social Security / Individual Taxpayer ID No.:

xxx-xx-5980

Employer Tax ID / Other nos.:

### DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

FOR THE COURT

Dated: September 21, 2009

Kenneth S. Gardner, Clerk  
United States Bankruptcy Court

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

### **EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

#### **Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

#### **Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

#### **Debts that are Not Discharged.**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes (in a case filed on or after October 17, 2005);
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans (in a case filed on or after October 17, 2005).

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**



# CERTIFICATE OF NOTICE

District/off: 0752-1  
Case: 09-19880

User: dgomez  
Form ID: bl8

Page 1 of 1  
Total Noticed: 20

Date Rcvd: Sep 21, 2009

The following entities were noticed by first class mail on Sep 23, 2009.

db	+Lionel J. Franklin,	526 Paxton Avenue,	Calumet City, IL 60409-3128
aty	+Joseph P Doyle,	Law Office of Joseph P Doyle,	105 S Roselle Road, Suite 203, Schaumburg, IL 60193-1631
tr	+Richard M Fogel,	Shaw Gussis Fishman Glantz Wolfson,	321 N Clark Street Suite 800, Chicago, IL 60654-4766
13986923	+Amer Gen Fin,	3632 West 95th Str,	Evergreen Park, IL 60805-2106
13986924	Capital Recovery III LLC,	Citibank Classic c/o Recovery,	Management Systems Corp, 25 SE 2nd Avenue Suite 1120,
13986925	+Crdtrs Allnc,	Po Box 1288,	Bloomington, IL 61702-1288
13986927	+Harris N.A.,	111 W Monroe,	Chicago, IL 60603-4095
13986929	Illinois Department of Revenue,	P.O. Box 19026,	Springfield, IL 62794-9026
13986934	+Jvdb Asc,	P O Box 5718,	Elgin, IL 60121-5718
13986935	+Law Offices of Ira T. Nevel,	175 N Franklin,	Suite 201, Chicago, IL 60606-1847
13986937	+Markoff & Kransy,	29 N. Wacker Drive, 5th Floor,	Chicago, IL 60606-2851
13986938	+Pencro Assoc,	95 James Way,	Southampton, PA 18966-3837
13986939	+Rmi/Mcsi,	3348 Ridge Rd,	Lansing, IL 60438-3112
13986940	+Stateman Harris Siegel,	200 W Madison,	#3820, Chicago, IL 60606-3465
13986941	+Thd/Cbsd,	Po Box 6497,	Sioux Falls, SD 57117-6497
13986942	+Weltman, Weinberg & Reis,	10 S. LaSalle Street, Suite 900,	Chicago, IL 60603-1016

The following entities were noticed by electronic transmission on Sep 21, 2009.

tr	+EDI: BRMFOGEL.COM Sep 21 2009 19:48:00	Richard M Fogel,	Shaw Gussis Fishman Glantz Wolfson, 321 N Clark Street Suite 800,
13986926	EDI: DISCOVER.COM Sep 21 2009 19:50:00	Discover Fin,	Pob 15316, Wilmington, DE 19850
13986928	+EDI: HFC.COM Sep 21 2009 19:49:00	Hsbc/Carsn,	Pob 15521, Wilmington, DE 19850-5521
13986930	+EDI: IRS.COM Sep 21 2009 19:49:00	IRS,	PO Box 21125, Philadelphia, PA 19114-0325
13986936	+EDI: RESURGENT.COM Sep 21 2009 19:48:00	Lvnv Funding,	P.O. B 10584, Greenville, SC 29603-0584

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

13986931*	+IRS,	PO Box 21125,	Philadelphia, PA 19114-0325
13986932*	+IRS,	PO Box 21125,	Philadelphia, PA 19114-0325
13986933*	+IRS,	PO Box 21125,	Philadelphia, PA 19114-0325

TOTALS: 0, \* 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 23, 2009

Signature:

